

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1891.—Ordered to be printed.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, submitted the following

REPORT:

[To accompany H. R. 3648.]

The Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 3648) for the relief of Amy C. Capwell, having had the same under consideration, beg leave to submit the following report:

That on the night of the 31st of October, 1878, the post-office at Factoryville, Wyoming County, Pa., was entered by some unknown person and a quantity of postage stamps abstracted.

That subsequently the claimant, who at the time was postmistress at Factoryville, caused the arrest and indictment of one Mathewson, who was tried in the United States district court, first at Pittsburgh, Pa., and afterwards at Williamsport, Pa., at both of which trials the jury disagreed. The claimant paid to the Government the amount of loss sustained, viz, \$144.15, which amount has never been refunded to her, although she filed her claim under the act of 1882. Her claim was rejected by the Department on the ground that—

The loss was the result of larceny, for which the act of March 17, 1882, makes no provision, and for which her claim was disallowed.

Mathewson was indicted and tried for burglary and the result was a disagreement of the jury. So it does not seem to be clear that the loss was the result of larceny. The claimant expended \$60 in the matter of arresting and bringing to trial the supposed offender.

Your committee submit as a part of their report the following affidavit of the claimant:

COMMONWEALTH OF PENNSYLVANIA, *Lackawanna County*, ss:

On this 29th day of January, A. D. 1884, before the subscriber, a justice of the peace in and for said county, duly authorized by law to administer oaths, personally appeared Amy C. Capwell, who, being first sworn according to law, deposes and says as follows, to wit:

In the year 1878 I was postmistress at Factoryville, Wyoming County, State of Pennsylvania, regularly commissioned as such. That on the 9th day of October, 1878, I received from the Post-Office Department at Washington, D. C., a quantity of stamps, amounting to \$215, and these stamps, with what I had on hand, were in the post-office at Factoryville, county and State aforesaid, for the convenience of the public. That on the night of the 31st of October, 1878, the post-office was entered by some person or persons to her unknown, and all the unbroken sheets of stamps abstracted. That in January, 1880, I paid to the United States, by drafts drawn on me by J. A. Scranton, then postmaster at Scranton, Pa., the sum of \$144.15, this being the balance found against me after all allowances for the return of mutilated stamps, and this sum of money has never been repaid to me. That some two weeks subsequent to the robbery one G. B. Mathewson was arrested at the instance of C. B. Barrett, United States post-office inspector, at Philadelphia, Pa., and the said Mathewson

was afterwards twice tried for the robbery, once at Pittsburgh, Pa., and once at Williamsport, Pa., in the United States district court. That at each of these trials the jury failed to agree. That under the act of 1882 I presented my claim, and it was disallowed on the ground "that the loss was caused by larceny rather than by burglary, and for such losses the law makes no provision." That I have exhausted all legal means for securing relief in this matter, and in addition to the actual money loss as above set forth I was subjected to expenditures amounting to \$60 in tracking up the said G. B. Mathewson, in whose possession a quantity of stamps corresponding with those I had lost was found.

AMY C. CAPWELL.

Sworn and subscribed before me this 30th day of January, 1884.

[SEAL.]

E. C. REYNOLDS, J. P.

The committee, upon careful investigation and consideration, recommend that the bill be passed.

